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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 624/2017

PFIZER INC. & ORS

..... Plaintiffs

Through Ms.Tusha Malhotra and Ms.Rashi
Punia, Advs.

versus

LUCIUS PHARMACEUTICALS & ORS. Defendants

Through Mr.Manav Gupta and Mr.Sahil Garg,
Advs. for D-3.

Mr.Parveen Kumar Aggarwal, Adv. for D-4.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

27.11.2018

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IA No. 16019/2018

This application is filed under Order 8 Rule 10 CPC seeking a decree against defendant No. 6. It is pleaded that defendant No. 6 despite service has not filed a written statement. Hence, a decree is sought against the said defendant No. 6.

The suit is filed seeking a decree of permanent injunction to restrain the defendants from selling, distributing and advertising, etc. any product that infringes the subject matter of Indian Patent Nos. IN249316, IN250050 and IN 243571 (Crizotinib), IN 209251 (Sunitinib) and IN 232353 (Axitinib).

As defendant No. 6 has not filed a written statement despite service, it is a fit case to pass a decree in favour of the plaintiff.



Accordingly the application is allowed.

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A decree is passed in favour of the plaintiff and against defendant No.6 in terms of the prayer clause 95 (a) and (b) of the plaint. A decree is also passed in favour of the plaintiff and against defendant No. 6 for a sum of Rs. 2,50,000/- being damages.

Defendant No. 1 is served. None is present for defendant No.1.

Defendant No. 1 is proceeded ex parte.

Learned counsel for the plaintiff seeks some time to file a settlement agreement with defendant No.3.

At request, adjourned to 28.01.2019.

JAYANT NATH, J

NOVEMBER 27, 2018

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